

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 2755
)	
Plaintiff,)	JUDGE NUGENT
)	
v.)	<u>ORDER</u>
)	
SAP AMERICA, INC., et al.)	
)	
Defendants.)	
)	

AND NOW, this _____ day of _____, 2015, upon consideration of Defendant SAP America, Inc. and SAP AG's (collectively, "SAP") Motion for Reconsideration of SAP's Motion for Summary Judgment on the Issue of Agency, and any response thereto, it is hereby **ORDERED** that the SAP's Motion is **GRANTED**; and that:

Plaintiff Hodell-Natco Industries, Inc. ("Hodell") is **PRECLUDED** from arguing or presenting evidence that (a) Defendants The IBIS Group, Inc. and LSi-Lowery Systems, Inc. (collectively, "IBIS/LSi") were SAP's agents as opposed to a mere independent contractor; and/or that (b) IBIS/LSi had authority to make representations or warranties on behalf of SAP or to otherwise bind SAP in any way; and

Hodell is further **PRECLUDED** from recovering against SAP on any theory predicated on IBIS/LSi's alleged agency, including on any claim predicated on an alleged misrepresentation by IBIS/LSi as to the prospective performance of the software.

BY THE COURT:

Dated: _____

Hon. Donald C. Nugent
United States District Judge